

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 27-28 and 30-33 are pending in this application.

The Examiner is thanked for extending the courtesy of an interview with Applicant's representative. The resulting Interview Summary states, *inter alia*, "The examiner suggests that the claims in the pending application can be allowed if applicant amends the claims to further specify that the ignition timing retard is only applied when the negative pressure has reached a predetermined value."

Claims 27-28 and 30-31 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Tsunooka (U.S. '524). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Tsunooka. For example, the limitation "wherein the ignition retarding control means starts the ignition retarding control after a predetermined time lapses since a start, and the predetermined time represents a period of time beginning at a start of the engine and ending at a time that the negative pressure of the intake pipe reaches a predetermined value so that a proper negative brake force of the brake booster can be assured and so that the ignition retarding control to retard the ignition timing is only applied when the negative pressure has reached the predetermined value," as required by claim 27 is not found in Tsunooka. Similar comments apply to claim 30. The limitation "wherein the ignition retarding control means starts the ignition retarding control after a predetermined time lapses since a start, and the predetermined time represents a period of time beginning at a start of the engine and ending at a time that the negative pressure of

the brake booster reaches a predetermined value so that a proper negative brake force of the brake booster can be assured and so that the ignition retarding control to retard the ignition timing is only applied when the negative pressure has reached the predetermined value,” as required by independent claim 28 is not found in Tsunooka. Similar comments apply to claim 31.

The above-noted limitations are supported by, for example, page 23, line 22 to page 30, line 1 of the originally-filed specification. In particular, page 27, line 26 to page 28, line 26 states “In general, a period of time beginning at a start of the engine and ending at a time the intake pipe negative pressure Pm where the negative pressure of the brake booster reaches a predetermined value kpm1 is all but fixed and hardly changes much...As a result, the intake pipe negative pressure Pm decreases to a level equal to or lower than a predetermined value kpm1, the control to retard ignition is started.”

As noted above, the Interview Summary states, *inter alia*, “The examiner suggests that the claims in the pending application can be allowed if applicant amends the claims to further specify that the ignition timing retard is only applied when the negative pressure has reached a predetermined value.” Consistent with the Examiner’s suggestion of allowable subject matter, claim 27 has been amended to require “wherein the ignition retarding control means starts the ignition retarding control after a predetermined time lapses since a start, and the predetermined time represents a period of time beginning at a start of the engine and ending at a time that the negative pressure of the intake pipe reaches a predetermined value so that a proper negative brake force of the brake booster can be assured and so that the ignition retarding control to retard the ignition timing is only applied when the negative pressure has reached the predetermined value.” Claims

28 and 30-31 require similar features. Applicant thus respectfully requests that the rejection of claims 27-28 and 30-31 under 35 U.S.C. §102(e) in view of Tsunooka be withdrawn.

Claims 32-33 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Tsunooka in view of Keeler et al (U.S. '317, hereinafter "Keeler"). Applicant respectfully traverses this rejection.

Similar to claims 27-28 and 30-31, claim 32 requires, *inter alia*, "the method further comprises measuring a time period beginning at the start of the engine and ending at a time when the negative pressure of the intake pipe reaches a predetermined level, and storing the measured time period in a memory for later use as the predetermined time so that the ignition retarding control to retard the ignition timing is only applied when the negative pressure has reached the predetermined level." Similarly, claim 33 requires, *inter alia*, "the method further comprises measuring a time period beginning at the start of the engine and ending at a time when a negative pressure of a brake booster, which performs increasing the brake force of the brake, reaches a predetermined level, and storing the measured time period in a memory for later use as the predetermined time so that the ignition retarding control to retard the ignition timing is only applied when the negative pressure has reached the predetermined level." Consistent with the remarks of the Interview Summary, Applicant thus submits that claims 32-33 are allowable. Applicant thus respectfully requests that the rejection of these claims under 35 U.S.C. §103 over Tsunooka and Keeler be withdrawn.

MAJIMA et al.
Application No. 10/814,261
December 19, 2006

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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By: _____



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